

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:  
 Jay French, Roy Janson  
 Serial No. 08,432,280  
 Filed: 5/01/95  
 For: HYDROTHERAPY AND EXERCISE  
 DEVICE WITH INTEGRATED LIFT  
 AND TREADMILL MEANS

Group Art Unit: 3302  
 Examiner: Reichard, L.

RECEIVED

JUL 29 1997

OFFICE OF PETITIONS  
 07/25/1997 14:22:41  
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Box DAC  
 Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

PETITION TO REVIVE UNINTENTIONALLY  
 ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)

Dear Sir:

Applicants' attorney respectfully petitions the Commissioner of Patents and Trademarks to revive the above-identified application under the provisions of 37 C.F.R. 1.137(b) on the ground that as to the applicant, the abandonment of the above-identified application was completely unintentional. This Petition is supported by the Declaration of the undersigned, attached.

Applicant has submitted the appropriate filing fee and requests the revival of the application on grounds that the abandonment was unintended. Applicant's attorney called the examiner on the first part of the week of April 7, 1997, to arrange an interview with the examiner. The examiner was kind enough to schedule one for the morning of April 10. The examiner was called at the scheduled time (8:30 a.m.) to determine what items could be taken care of by examiner's amendment without the necessity of filing a continuing application. However, the examiner was unable to locate the file in the patent office because it had apparently been shifted to another location.

Applicants' attorney elected to file amendments that he believed to be minor and consistent with examiner's action. The amendments were however determined not to be responsive to the examiner's final office action and the application was deemed abandoned. Although the examiner initially entered an advisory action on May 24, 1997, setting thirty days to respond, the applicants received the Notice of Abandonment in late May 1997.

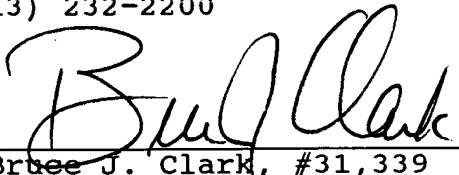
Applicants have reviewed the issues and believe the instant request to reinstate to be the most effective procedure for further prosecution and respectfully request reinstatement. At no time did applicants or their attorney intend to abandon the application.

Submitted concurrent herewith is the request to file a continuation and request to enter the amendment previously filed but unentered.

Respectfully submitted,

Date: 6-24-97

WRIGHT, HENSON, SOMERS, SEBELIUS,  
CLARK & BAKER, LLP  
Commerce Bank Building Downtown, 2nd Floor  
100 E. 9th Street, P. O. Box 3555  
Topeka, Kansas 66601-3555  
(913) 232-2200

By   
Bruce J. Clark, #31,339  
Attorney for Applicant

Doc #100320

# DECLARATION

The undersigned, Bruce J. Clark, states as follows:

1. I am a registered patent attorney, Registration No. 31,339.

2. I am responsible for the prosecution of the above-identified United States patent application

3. The undersigned called the examiner on the first part of the week of April 7, 1997, to arrange an interview with the examiner. It appeared certain issues could be resolved and the examiner was kind enough to schedule one for the morning of April 10. The undersigned called at the scheduled time (8:30 a.m.) to determine what items could be taken care of by examiner's amendment without the necessity of filing a continuing application. However, the examiner was unable to locate the file in the patent office because it had apparently been shifted to another location and the interview was postponed.

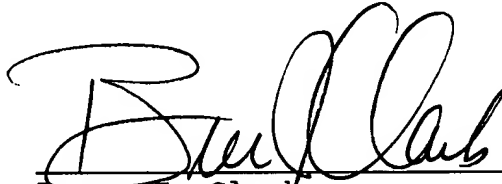
4. The undersigned elected to file amendments that he believed to be minor and consistent with examiner's action and appropriate. The amendments, when received, were determined not to be responsive to the examiner's final office action and the application was deemed abandoned.

5. At no time did the undersigned or the applicants intend to abandon the application.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Topeka, Kansas, this 24<sup>th</sup> day of June,  
1997.



Bruce J. Clark  
100 E. 9th Street, P. O. Box 3555  
Topeka, Kansas 66601-3555  
(913) 232-2200  
Citizenship: U.S.A.

Doc #100320

CERTIFICATE OF MAILING

I hereby certify that this Petition To Revive Unintentionally Abandoned Application Under 37 C.F.R. 1.137(b), with attached Declaration and filing fee \$645.00 is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box DAC  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

on June 24, 1997.

WRIGHT, HENSON, SOMERS, SEBELIUS,  
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Date: 6/24/97

By 

Bruce J. Clark  
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